



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Forty-second Meeting Day

Thursday Afternoon

April 7, 2005

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Gary P. Dillon.

The Pledge of Allegiance to the Flag was led by Senator Dillon.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser <input checked="" type="checkbox"/>	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 378: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 67, filed April 6, 2005, be withdrawn from further consideration by the Senate.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on

Engrossed Senate Bill 322, filed April 6, 2005, be withdrawn from further consideration by the Senate.

BRAY

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 201 and that a conference committee be appointed to confer with a like committee of the House.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 132 and that a conference committee be appointed to confer with a like committee of the House.

ZAKAS

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 574 and 626 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On April 7, 2005, I signed the following enrolled acts into law: HEA 1099, 1240, 1600, and 1540.

MITCHELL E. DANIELS, JR.
Governor

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 61

Senate Concurrent Resolution 61, introduced by Senator Gard:

A CONCURRENT RESOLUTION honoring Jhordan Logan for

her induction into the Hall of Fame for Caring Americans.

Whereas, Jhordan Logan is 14 years old and an eighth grade student at New Castle Middle School;

Whereas, At the age of ten, Jhordan founded "Read It Again," a non-profit organization that has donated more than 27,000 books to various hospitals in Indiana and abroad;

Whereas, At the age of eleven, Jhordan founded "Youth Embracing Seniors," a program that matches schools with nursing homes to help youth get involved with senior citizens;

Whereas, Jhordan was the youngest person to be appointed by the Governor to serve as "Youth Commissioner on Community Service." She is currently serving her second two year term;

Whereas, Jhordan has been involved in the Henry County United Fund's Youth Day of Caring since 2000, serving as co-chairperson in 2000 and chairperson since 2002, recruiting volunteers and coordinating services and supplies; and

Whereas, Jhordan Logan was honored as one of the nation's most caring youths by The Caring Institute and was inducted into the Hall of Fame for Caring Americans on November 15, 2004, in Washington, D.C.: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly recognizes the outstanding contributions of Jhordan Logan and congratulates her for her induction into the Hall of Fame for Caring Americans.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Jhordan Logan and her parents, Robin and Brenda Logan.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Saunders.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1063

Senator Bray called up Engrossed House Bill 1063 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 379: yeas 26, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

2:11 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:46 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 61 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1288.

M. CAROLINE SPOTTS
Principal Clerk of the House

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 67 and that a conference committee be appointed to confer with a like committee of the House.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 322 and that a conference committee be appointed to confer with a like committee of the House.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 397, filed March 30, 2005, be withdrawn from further consideration by the Senate.

LANDSKE

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee

on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 56 because it conflicts with SEA 165-2005 without properly recognizing the existence of SEA 165-2005, has had Engrossed Senate Bill 56 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 56 be corrected as follows:

Page 1, line 1, delete "IC 5-2-1-3" and insert "IC 5-2-1-3, AS AMENDED BY SEA 165, SECTION 3,".

Page 1, line 2, delete "[EFFECTIVE APRIL 15, 2005]:" and insert "[EFFECTIVE JULY 1, 2005]:".

Page 1, line 8, delete "chairman".

Page 1, line 8, delete "chair" and insert "chairperson".

Page 1, line 8, delete ";" and insert ".".

Page 1, line 12, before "(3)" insert "(2)".

Page 1, line 12, reset in roman "The chief of police of a consolidated city."

Page 1, line 13, before "(4)" insert "(3)".

Page 1, line 13, reset in roman "One (1) county sheriff from a county with a population of".

Page 1, line 14, reset in roman "at least one hundred thousand (100,000)."

Page 1, line 15, delete "(2)" and insert "(4)".

Page 1, line 16, reset in roman "but less than one hundred thousand".

Page 1, line 17, reset in roman "(100,000)".

Page 2, line 1, delete "(3)" and insert "(5)".

Page 2, line 3, delete "(4)" and insert "(6)".

Page 2, line 4, reset in roman "who is not the chief of police of".

Page 2, line 5, reset in roman "a consolidated city."

Page 2, line 6, delete "(5)" and insert "(7)".

Page 2, line 8, delete "(6)" and insert "(8)".

Page 2, line 10, delete "(7)" and insert "(9)".

Page 2, line 11, delete "(8)" and insert "(10)".

Page 2, line 13, delete "(9)" and insert "(11)".

Page 2, line 14, delete "(10)" and insert "(12)".

Page 2, line 15, delete "(11)" and insert "(13)".

Page 2, line 16, delete "(12)" and insert "(14)".

Page 2, line 17, delete "(13)" and insert "(15)".

Page 2, line 18, delete "(14)" and insert "(16)".

Page 2, line 21, delete "law enforcement training".

Page 2, delete lines 27 through 28.

Page 2, line 29, reset in roman "(3) One (1) member representing forensic science, to be".

Page 2, line 30, reset in roman "appointed by the governor."

Page 41, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 66. [EFFECTIVE APRIL 15, 2005] (a) **Beginning April 15, 2005, and ending July 1, 2005, this SECTION, and not IC 5-2-1-3, governs the membership of the law enforcement training board established by IC 5-2-1-3.**

(b) **As used in this SECTION, "board" refers to the law enforcement training board established by IC 5-2-1-3.**

(c) **The members of the board are to be selected as provided by IC 5-2-1. The board is composed of the following members:**

(1) **The superintendent of the Indiana state police department, who shall serve as chairperson of the board.**

(2) **The deputy director of the division of preparedness and training of the department of homeland security, who**

shall serve as the vice chairperson of the board.

(3) **The chief of police of a consolidated city.**

(4) **One (1) county sheriff from a county with a population of at least one hundred thousand (100,000).**

(5) **One (1) county sheriff from a county with a population of at least fifty thousand (50,000) but less than one hundred thousand (100,000).**

(6) **One (1) county sheriff from a county with a population of less than fifty thousand (50,000).**

(7) **One (1) chief of police who is from a city with a population of at least thirty-five thousand (35,000) but who is not the chief of police of a consolidated city.**

(8) **One (1) chief of police from a city with a population of at least ten thousand (10,000) but less than thirty-five thousand (35,000).**

(9) **One (1) chief of police, police officer, or town marshal from a city or town with a population of less than ten thousand (10,000).**

(10) **One (1) prosecuting attorney.**

(11) **One (1) judge of a circuit or superior court exercising criminal jurisdiction.**

(12) **One (1) member representing professional journalism.**

(13) **One (1) member representing the medical profession.**

(14) **One (1) member representing education.**

(15) **One (1) member representing business and industry.**

(16) **One (1) member representing labor.**

(17) **One (1) member representing Indiana elected officials of counties, cities, and towns.**

(d) **The following members constitute an advisory council to assist the members of the board in an advisory, nonvoting capacity:**

(1) **The special agent in charge of the Federal Bureau of Investigation field office covering the state of Indiana, subject to the agent's approval to serve in such capacity.**

(2) **The attorney general of Indiana.**

(3) **One (1) member representing forensic science, to be appointed by the governor.**

(4) **One (1) member representing theology, to be appointed by the governor.**

(5) **The director of the law enforcement division of the department of natural resources.**

(e) **This SECTION expires July 1, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 56 as reprinted March 25, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
WYSS

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 14 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 14 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 14 be corrected as follows:

Page 23, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 28. IC 20-23-4-29, AS ADDED BY HEA 1288-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. (a) This section applies to each school corporation.

(b) If a plan provides for the election of members of the governing body of the community school corporation at a primary election, at the time provided by IC 3-8-2 for the filing of notice of candidacies for the primary election following the creation of the community school corporation, nominations for members of the governing body of the community school corporation may be made by a petition signed by the candidates and ten (10) registered voters residing within the boundaries of the community school corporation.

(c) A petition must be filed with the circuit court clerk of the county that contains the greatest percentage of population of the school corporation. If the plan requires residence in a specified district or voting solely in a specified district for a governing body member office, the petition must clearly state the residence or electoral district from or for which the person is a candidate. If a school corporation is located in more than one (1) county, the circuit court clerk shall, after determining that a petition complies with subsection (b), promptly certify to each circuit court clerk of a county in which the school corporation is located, the names of the candidates to be placed on the ballot.

(d) If a plan provides for an election of members of the governing body at a general election, the filing of notice of candidates must be made in the manner provided for filing at primary elections under this section. The filing must be made within the same period before the general election as would have been required before the primary election had the election been held at the latter time.

(e) All nominations shall be listed for each office in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ IC 3-11 but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted. The precinct election boards serving at each primary election in each county shall conduct the election for governing board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.

(f) If the plan provides that the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ IC 3-11 without party designation. Candidates elected shall be those having the greatest number of votes.

(g) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ IC 3-11 by residence districts without party designation. The ballot must state the:

- (1) number of members to be voted upon; and
- (2) maximum number that may be elected from each residence district as provided in the plan.

A ballot is not valid if a voter votes for more than the maximum

number of members that are determined under subdivision (2). Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected.

(h) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot:

- (1) in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ IC 3-11; and
- (2) without party designation.

The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected."

Renumber all SECTIONS consecutively.

(Reference is to ESB 14 as printed March 25, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
LAWSON

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 301 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 301 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 301 be corrected as follows:

Page 3, after line 29, begin a new paragraph and insert:

"SECTION 2. IC 20-19-2-8, AS ADDED BY HEA 1288-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

- (1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.
- (2) The establishment and maintenance of standards and guidelines, other than building, space, and site requirements, for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).
- (3) The establishment and maintenance of standards for student personnel and guidance services.
- (4) The establishment and maintenance of minimum standards

for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

- (A) railroad-highway grade crossing safety; and
 - (B) the procedure for participation in the human organ donor program.
- (5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:
- (A) IC 20-31-4;
 - (B) IC 20-28-5-2;
 - (C) IC 20-28-6-3 through IC 20-28-6-7;
 - (D) IC 20-28-9-7 and IC 20-28-9-8;
 - (E) IC 20-28-11; and
 - (F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

- (6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.
- (7) The distribution of funds and revenues appropriated for the support of schools in the state.
- (8) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.
- (9) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(10) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations."

(Reference is to ESB 301 as printed March 22, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
CLARK

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 106:

Conferees: Lawson, Chair and Sipes

GARTON

Date: 4/7/05
Time: 2:27 p.m.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 171:

Conferees: Lawson, Chair and Rogers

GARTON
Date: 4/7/05
Time: 2:23 p.m.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 341:

Conferees: Lawson, Chair and Breaux

GARTON
Date: 4/7/05
Time: 2:29 p.m.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 201:

Conferees: Wyss, Chair and Craycraft

GARTON
Date: 4/7/05
Time: 2:03 p.m.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 433:

Conferees: Lubbers, Chair and Rogers
Advisors: Merritt and Breaux

GARTON
Date: 4/7/05
Time: 11:17 a.m.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 363:

Conferees: Clark, Chair and Broden
Advisors: Long and Bowser

GARTON
Date: 4/7/05
Time: 11:15 a.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 591:

Conferees: Miller, Chair and Sipes
Advisors: Zakas and Bowser

GARTON
Date: 4/7/05
Time: 11:40 a.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 602:

Conferees: Riegsecker, Chair and Rogers

GARTON
Date: 4/7/05
Time: 10:45 a.m.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1120

Senator Kenley called up Engrossed House Bill 1120 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 380: yeas 27, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1230

Senator Server called up Engrossed House Bill 1230 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 381: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1241

Senator Zakas called up Engrossed House Bill 1241 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 382: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1407

Senator Lawson called up Engrossed House Bill 1407 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 383: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 63.

LANDSKE

Roll Call 384: yeas 46, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 75.

PAUL

Roll Call 385: yeas 45, nays 4. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 95.

LONG

Roll Call 386: yeas 48, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 96.

LONG

Roll Call 387: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 149.

LUBBERS

Roll Call 388: yeas 34, nays 15. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 195.

KENLEY

Roll Call 389: yeas 47, nays 2. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 198.

ZAKAS

Roll Call 390: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 200.

LUBBERS

Roll Call 391: yeas 33, nays 16. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 218.

NUGENT

Roll Call 392: yeas 22, nays 26. Motion was defeated.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 230.

LUBBERS

Roll Call 393: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 202, filed April 4, 2005, be withdrawn from further consideration by the Senate.

WYSS

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the

House Amendments to Engrossed Senate Bill 217 and that a conference committee be appointed to confer with a like committee of the House.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 397 and that a conference committee be appointed to confer with a like committee of the House.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 615 and that a conference committee be appointed to confer with a like committee of the House.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 100 and that a conference committee be appointed to confer with a like committee of the House.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 571 and that a conference committee be appointed to confer with a like committee of the House.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 96.

LONG

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1488.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1394.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 397.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 372.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 332.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 301.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 56.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 14.

M. CAROLINE SPOTTS
Principal Clerk of the House

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the

House Amendments to Engrossed Senate Bill 202 and that a conference committee be appointed to confer with a like committee of the House.

WYSS

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1288 because it conflicts with HEA 1003-2005 without properly recognizing the existence of HEA 1003-2005, has had EHB 1288 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1288 be corrected as follows:

Page 67, line 10, delete "department of commerce." and insert **"Indiana economic development corpotation."**

Page 719, line 28, delete "department of commerce." and insert **"Indiana economic development corpotation."**

(Reference is to EHB 1288 as printed March 11, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
KENLEY

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 332 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 332 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 332 be corrected as follows:

Page 1, line 1, after "IC 4-6-2-1.5" insert ", AS AMENDED BY HEA 1288-2005, SECTION 56,".

Page 1, line 9, delete "IC 20-6.1-1-8)" and insert "IC 20-18-2-22)".

Page 1, line 13, delete "IC 20-8.1-5-2(e), IC 20-8.1-5.1-7," and insert "IC 20-33-8-12,".

Page 1, line 15, delete "IC 20-5-1-3)" and insert **"IC 20-26-2-4)"**.

Page 2, line 1, delete "IC 20-10.1-4-0.5 or IC 20-10.1-4-3.5," and insert **"IC 20-30-5-0.5 or IC 20-30-5-4.5,"**.

Page 2, line 7, delete "his the person's" and insert "the person's".

Page 2, line 7, after "counsel of" delete "his the" and insert "the person's".

Page 2, line 8, before "own" delete "person's".

Page 2, line 8, delete "his the person's" and insert "the person's".

Page 3, between lines 4 and 5, begin a new paragraph and insert: **"SECTION 5. IC 20-30-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. (a) The United States flag shall be displayed in each classroom of every school in a school corporation.**

(b) The governing body of each school corporation shall provide a daily opportunity for students of the school corporation to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

- (1) the student chooses to not participate; or
- (2) the student's parent chooses to have the student not participate."

SECTION 6. IC 20-30-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) In order that:

- (1) the right of each student to the free exercise of religion is guaranteed within the schools; and
 - (2) the freedom of each student is subject to the least possible coercion from the state either to engage in or to refrain from religious observation on school grounds;
- the governing body of each school corporation shall establish the daily observance of a moment of silence in each classroom or on school grounds.

(b) During the moment of silence required by subsection (a), the teacher responsible for a classroom shall ensure that all students remain seated or standing and silent and make no distracting display so that each student may, in the exercise of the student's individual choice, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede another student in the exercise of the student's individual choice.

SECTION 7. IC 20-30-6-10, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. A school corporation may permit a voluntary religious observance if the school corporation follows sections 11 through ~~13~~ 12 of this chapter and any additional procedures that the school corporation adopts to ensure that the observance is voluntary."

Page 3, delete lines 5 through 6, begin a new paragraph and insert:

"SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 20-10.1-7-11; IC 20-30-6-13."

Renumber all SECTIONS consecutively.

(Reference is to ESB 332 as printed March 18, 2005.)

GARTON, Chair
R. YOUNG, R.M.M.
M. YOUNG

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 67:

Conferees: Steele, Chair and Broden

GARTON
Date: 4/7/05
Time: 3:57 p.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 322:

Conferees: Bray, Chair and Mrvan
Advisors: Zakas and Antich-Carr

GARTON
Date: 4/7/05
Time: 4:00 p.m.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Friday, April 8, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 6:26 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate